

## **AOC PROVISIONS**

<b>CONCEPT</b>	<b>AGREED ORDER ON CONSENT (“AOC”) PROVISIONS</b>
1. Termination of amended Unilateral Administrative Order (“UAO”)	<p>Recitals: It is appropriate to terminate the amended Unilateral Administrative Order (“UAO”) in order for Respondents to conduct any remaining site investigation activities and the site cleanup activities under removal action authority instead of completing a Remedial Investigation and Feasibility Study.</p> <p>Findings of Fact to support the termination of the amended UAO and completion of the site cleanup work under focused, non-time critical removal actions. [Eric Pastor and Gary Miller to work on technical findings based on site conditions and the future anticipated site cleanup activities.]</p> <p>Ordering provisions: (1) to terminate the existing amended UAO and (2) to order Respondents to conduct any remaining site investigation activities and focused, non-time critical removal actions pursuant to this Administrative Order on Consent (AOC”).</p>
2. Bifurcation of Site	<p>Recitals: The geographic bifurcation of the site into operable units: North Area and South Area, corresponding to those areas north and south of Marlin Avenue, respectively, is appropriate to conduct the removal actions at the site.</p> <p>Findings of Fact based on the site conditions and the anticipated future cleanup actions supporting the conclusion that the site is appropriately divisible into operable units: North Area and South Area. [Eric Pastor and Gary Miller are to work on these technical findings]</p> <p>Ordering provision: to bifurcate the site into operable units: North Area and South Area, corresponding to those areas north and south of Marlin Avenue, respectively.</p>
3. Engineering Evaluation/Cost Analysis (“EE/CA”) Approval Memorandum	<p>Recital: This AOC constitutes the EE/CA Approval Memorandum approved and authorized by the Regional Administrator, or his designee, for both the North Area and South Area operable units. Respondents will fund EPA’s oversight costs for overseeing the removal activities ordered herein. The site investigations previously undertaken by Respondents pursuant to the UAOs, and any future site investigation activities and cleanup activities to be undertaken by Respondents pursuant to this AOC, satisfy the National Contingency Plan requirements for</p>

initiating non-time-critical removal actions at the site based on an actual or threatened release from the site.

Recitals: Pertaining to site background, threats to public health, welfare or the environment posed by the site (including expected changes to the site situation if no action is taken or if action is delayed), enforcement activities and the estimated EE/CA costs.

Recitals: This AOC authorizes non-time critical removal actions at the site, and the preparation of separate EE/CAs for the North Area and South Area operable units.

Recitals: Based on the site investigations and studies completed thus far, the anticipated focused removal actions for the North Area and South Area operable units are:

North Area

- Removal of Buried Debris Area South of Impoundment
- Impoundment Area signage or fencing
- Groundwater Monitoring Plan Development
- Institutional Controls.

South Area

- Tank Contents/Waste Material Removal
- Institutional Controls: Deed recordation for Commercial/Industrial land use.

Ordering provisions: (1) this AOC constitutes the EE/CA Approval Memorandum approved and authorized by the Regional Administrator, or his designee, for both the North Area and South Area operable units; (2) the Respondents shall perform non-time critical removal actions in the North Area and South Area operable units in accordance with this AOC, (3) the Respondents shall prepare separate EE/CAs for the North Area and South Area operable units; and (4) the Respondents will fund EPA's oversight costs for overseeing the removal activities ordered in this AOC.

4. Work to be Performed

**North Area**

	Ordering Provision: Respondents shall submit a draft EE/CA for the North Area of the Site within ____ days from the Effective Date of this AOC.
	Ordering Provision: Respondents shall submit a final EE/CA for the North Area of the Site within ____ days after receipt of the EPA's comments on the draft EE/CA.
	Ordering provision: Respondents shall perform the removal action activities set out in the approved EE/CA.
	Ordering Provision: Respondents shall submit a draft Removal Action Completion Report within ____ days after completion of the removal action on the North Area operable unit.
	Ordering Provision: Respondents shall submit a final Removal Action Completion Report within ____ days after receipt of the EPA's comments on the draft Removal Action Completion Report.
	EPA will review and either approve or comment on Respondent's final Removal Action Completion Report for the North Area operable unit within ____ days after receipt of the report from Respondents.
<b>South Area</b>	
	Ordering Provision: Respondents shall submit a draft EE/CA for the South Area of the Site within ____ days from the Effective Date of this AOC.
	Ordering Provision: Respondents shall submit a final EE/CA for the South Area of the Site within ____ days after receipt of the EPA's comments on the draft EE/CA.
	Ordering provision: Respondents shall perform the removal action activities set out in the approved EE/CA.
	Ordering Provision: Respondents shall submit a draft Removal Action Completion Report within ____ days after completion of the removal action on the South Area operable unit.
	Ordering Provision: Respondents shall submit a final Removal Action Completion Report within ____ days after receipt of the EPA's comments on the draft Removal Action Completion Report.
	EPA will review and either approve or comment on Respondent's final Removal Action Completion Report for the South Area operable unit within ____ days after receipt of the report from Respondents.
5. Delisting of South Area Operable Unit and North Area Operable Unit.	Recital: Upon completion of the removal action on the South Area operable unit, this operable unit will be eligible for deletion from the National Priorities List. Deletion of a portion of a site is appropriate if the responsible parties or other parties have implemented all appropriate response actions required or the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures on that portion of the site is not appropriate. Upon concluding that one of these

partial deletion criteria are met, EPA shall proceed with the deletion process for the South Area operable unit.

Recital: EPA will delist the North Area operable upon determining that no further response action is required for the North Area operable unit.

Ordering provision: Within \_\_\_\_ days of EPA's approval of the final Removal Action Completion Report for the South Area operable unit, EPA will determine whether any of the deletion criteria for the South Area operable unit has been met, and if met, shall initiate the process to delist the South Area operable unit from the National Priorities List ("NPL") in accordance with the National Contingency Plan.

Ordering provision: EPA will delist the North Area operable unit upon determining that no further response action is required for the North Area operable unit.

6. Construction Complete

Recital: Final NPL sites qualify for inclusion in the construction complete list after completion of construction work in all operable units of the site. Upon completion of physical construction of the remedy components on the North and South Area operable units, the Gulfco site will be eligible to be listed as Construction Complete.

Ordering Provision: Within \_\_\_\_ days of the Respondents completing the physical construction of the remedy components on the North and South Area operable units, Respondents will prepare a report advising EPA that Respondents have completed the physical construction of the remedy components on the North and South Area operable units.

Upon EPA's determination that Respondents have completed the physical construction of the remedy components on the North and South Area operable units, EPA will determine whether the Construction Complete criteria have been met, and if met, shall initiate the process to list the site as Construction Complete.